



RECEIVED
NOV 29 2002
TECH CENTER 1600/2900
PC860BJT

9,8
Vc3
12-18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE DIVISIONAL APPLICATION OF:
William J. Curatolo, et al.

SERIAL NO.: 09/577,059

FILED: May 22, 2000

FOR: **Controlled-Release Dosage
Forms of Azithromycin**

EXAMINER: R. Dewitty
I hereby certify that this correspondence
is being deposited with the United States
Postal Service as First Class Mail in an
envelope addressed to: Assistant Commissioner
for Patents, Washington, D.C. 20231 on

Assistant Commissioner for Patents
Washington, D.C. 20231

this 28th day of November 20 02

Request For Reconsideration Under 37 CFR 1.111

Sir:

This is in response to the non-final Office Action of May 21, 2002 in the above-identified application, the term for response having been extended three (3) months by enclosing the appropriate fee and petition herewith.

In response to the Office Action, please make the changes indicated below and consider the comments and traversal of the rejection that follow.

In the claims:

72. A sustained release dosage form comprising azithromycin which meets the following in vitro criteria:

- (1) $Q_{0.25} \leq 200$ mg,
- (2) $Q_1 \leq 500$ mg,
- (3) $Q_2 \leq 1000$ mg,
- (4) $Q_4 \leq 1500$ mg, and
- (5) $Q_6 \leq 2000$ mg,

when said dosage form is tested in a USP rotating paddle apparatus, said apparatus being described in USP XXIII dissolution test chapter 711, and wherein the apparatus has paddles rotating at 50 rpm and contains 900 mL of pH 6.0 sodium dihydrogen phosphate buffer at 37°C;